



appointment of counsel. See, Montgomery v. Pinchack, 294 F.3d 492, 503-04 (3rd Cir. 2002).

3. The Named Plaintiffs assert that to this day, [No] discovery material has been provided by the defendants, and on February 16th, 2023, this court issued an order stating that discovery in this case [Shall] be completed by April 17, 2023. as of to day, the defendants have refused the Plaintiffs all requested discovery, with an attorney all requested discovery would had been provided.

4. The Plaintiffs all suffer from serious mental health illness recognized as a Disability pursuant to Title 42 Chapter 126 of the American Disability Act of 1990, Has been amended by the Congress of the U.S. in 2009, section 12102 (1)(A),(B),(C) definition of disability under the ADA to include: concentrating thinking, communication, and 'Major Bodily functions' to include matters of the brain: (4)(A),(E)(i) and (iv) regarding the definition of disability, that determine whether an impairment substantially limits a major life activity, it shall be made without regard to the ameliorative effects of mitigating measures such as medication learning behavioral science or adaptive neurological modification'.

#### **ACTUAL FACTS**

5. "Plaintiff Lopez" asserts that in the initial Cmplt, at page (13) §§ 90 through 99, he brought forth his mental health issues as diagnosed by the PADOE Psychiatrist and Physiologist, nevertheless, Well known physiolosist and Psychiatrist from the free world "Dr. Anthony Pisa. which Diagnosed Plaintiff Lopez with having mental health issues.

(a) massive free-floating anxiety; (b) Distortions of sensation; (c) Visual Hallucinations, (d) stages of explicable confusion; (e) fearfulness; (f) paranoia, (g) occasional self-aggressive behavior; (h) chronic panic attacks; (i) Post-traumatic stress disorder, and (j) Severe insomnia, which all developed since Plaintiff Lopez was placed in permanent solitary isolation.

6. "Plaintiff Gerald Watkins", asserts in the initial Cmplt, (a) Visual hallucinations, (b) Constant anxiety, (c) auditory hallucinations (d) acute paronia (e) sleep disturbances, due to constant noise and nightmares, See. Cmplt: Page 16, 112 through 118, Nevertheless Plaintiff Watkins also suffers from (f) body soreness, (g) knee pain and constant (h) headaches, (i) massive weight gain.

7. "Plaintiff Ralph Stokes," has long suffered from cognitive Psychological, and emotional impairments as a result of organic-brain damage he was also in a major car-accident. Moreso, Plaintiff Stokes has been diagnosed with erratic mood disorders, by Dr. Jethro Toomer, Ph.D. See Cmplt. 17, §§ 119 through 126.

8. "Plaintiff Richard Poplawski", Suffers from severe depression and constant, vague dread of impending catastrophe, Plaintiff Poplawski also experiences mild perceptual distortions visual and tactile spheres., (e.g., distured depth perception), soft surfaces feeling rough or firm; Poplawski's depression alternated with cycles of mania where his attention and energy would be fixated instesely and obsessively only to "Crash" and leave him uninterested in completing tasks. See; Cmplt Page 19-21, §§ 135

through 144.

9. "Plaintiff, Mark Spotz", carries a diagnosis of: (a) Bipolar Disorder, (b) Chronic and Severe Post-Traumatic Stress Disorder with dissasociated symptoms; (c) Mix Personality Disorder with Borderline Antisocial and Schizotypal features; (d) Schizotypal Disorder; (e) Borderline Personality disorder.

10. The Plaintiffs' symptomatology of these disabilities are a serious imparment in a functioning society. His impairment is flexible symptoms.

#### **LEGAL STANDARD**

11. In accordance with the Federal Statute, 28 U.S.C. § 1915(d), The indigence of the Plaintiff is a requirement for the appointment of counsel 28 U.S.C. § 1915 (d), in determining whether the interest of justice will suffer the appointment of counsel.

12. Furthermore, the District Court must first decide if the Plaintiffs claim has presented a non-frivolous claim and if the appointment of counsel will benefit the plaintiff's and the Court. In Reese, 946 F.2d at 263, The Court looked to (three) Factors in making that determination (1) The Likelihood of success on the merits; (2) Complexity of the issues involved in the Plaintiff's case and (3) the ability of the Plaintiff to investigate and present his/her case.

13. Here, the Plaintiffs have demonstrated that (a) They have at least two meritorious claims; (b) all the Plaintiffs suffer from countless mental health symptoms; (3) There are limitations and intellectual capacity, which will make it impossible to present their claims without the aid of an attorney. This case has a likelihood of success



on the merits with respect to the remaining claims for relief.

14. Plaintiffs assert that the Honorable M.J. Karoline Mechalechick and the Honorable Christopher C. Conner, have both agreed that the Plaintiffs have demonstrated a plausible Eighth Amendment claim with the American Disability act claims (ADA), Enough to survive the defendants motion to dismiss.

**Wherefore**, PLaintiff humbly request this Honorable Court to Grant the following Relief:

(1) Find that Plaintiffs, Lopez, Watkins, Stokes, Poplawski, and Spotz have satisfied the Tabron Factors, Tabron v. Grace, 6 F.3d 147 (3rd Cir. 1993);

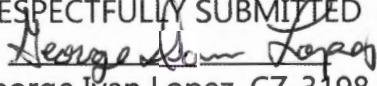
(2) Find that the Plaintiffs' mental disabilities constitute **[Special Circumstances]**, warranting the appointment of counsel, see Fennell v. Wetzel, 2017 U.S. Dist. Lexis 10372;

(3) Find that denying the requested appointment of counsel will clearly result in "the likelihood of substantial prejudice" to them, for example, the probable inability without such assistance to present the facts and legal issues to the Court in a complex and meritorious case. See Smith-Bay V. Petstock, 741 F.2d, 741 F.2d 22 (3rd. Cir. 1984);

(4) For the Court to use its discretion to "ask an attorney to represent the named Plaintiffs who are unable to afford counsel." 28 U.S.C. § 1915(e)(1) Parnham Sura;

(5) Grant the Plaintiffs' Motion for Appointment of Counsel.

RESPECTFULLY SUBMITTED

  
George Ivan Lopez, CZ-3198  
1200 Mokychic Drive  
Collegeville, Pa. 19426

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

George Ivan Lopez,

Plaintiff,

**Vs.**

John Wetzel, et al.,

## Defendants.

)(

) (

) (

) (

) (

) (

) (

Hon: Christopher C. Conner

M.J. Karoline Mechalechick

Case No: 3:21-cv-1819

## CERTIFICATE OF SERVICE

I, the undersigned hereby certify that on this 5th day of March, 2023, I have served a true and correct copy of the hereto attached motion for the court to decide of the motion for appointment of counsel, via First Class Mail, which service satisfy the Court requirements.

**FIRST CLASS MAIL:**

To: Ms. Kimberly Adams, ESQ.  
1920 Technology Parkway  
Mechanicsburg, Pa. 17050

RESPECTFULLY SUBMITTED

RESPECTFULLY SUBMITTED  
George Ivan Lopez

George Ivan López

1200 MOKYCHIC DRIVE  
COLLEGEVILLE, PA. 19426

From: George J. Lopez, 223198

SCI-Phoenix

P.O. Box 244

Collegeville, PA. 19426

Re: 3:21-cv-1819

PA DEPARTMENT OF  
CORRECTIONS  
INMATE MAIL

neopost  
03/06/2023  
US POST



RECEIVED  
HARRISBURG, PA

MAR 08 2023

PER Jiz  
DEPUTY CLERK

Legal mail

To: United States District Co  
Middle District of Pennsylvania  
U.S. courthouse  
228 Walnut street  
P.O. Box [REDACTED] 983  
Harrisburg, PA. [REDACTED] 17108